

REFERENCE TITLE: air quality; motor fuel

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

# HB 2537

Introduced by  
Representatives Barnes, Robson

## AN ACT

AMENDING SECTION 41-2083, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 292, SECTION 8; AMENDING SECTION 41-2123, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1999, CHAPTER 295, SECTION 11; RELATING TO MOTOR FUEL; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2083, Arizona Revised Statutes, as amended by  
3 Laws 2007, chapter 292, section 8, is amended to read:

4 41-2083. Standards for motor fuel; exceptions

5 A. Except as provided in section 41-2083.01 and subsections C, D, E,  
6 F, G, K, L, M and N of this section, a retail seller or fleet owner shall not  
7 store, sell or expose or offer for sale any motor fuel, kerosene, oil or  
8 other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of  
9 lubricants or other similar products if the product fails to meet the  
10 standards specified in this section and in the rules adopted by the director.

11 B. A person shall not misrepresent the nature, origination, quality,  
12 grade or identity of any product specified in subsection A of this section or  
13 represent the nature, origination, quality, grade or identity of such product  
14 in any manner calculated or tending to mislead or in any way deceive.

15 C. After consultation with the director of the department of  
16 environmental quality, the standards and test methods for motor fuels shall  
17 be established by the director of the department of weights and measures by  
18 rule.

19 D. Maximum vapor pressure for gasoline that is supplied or sold by any  
20 person and that is intended as a final product for the fueling of motor  
21 vehicles in a county with a population of one million two hundred thousand or  
22 more persons and any portion of a county contained in area A as defined in  
23 section 49-541 shall be 9.0 pounds per square inch from and after September  
24 30 through ~~March~~ JANUARY 31 of each year. Fuel used in motor vehicles at a  
25 manufacturer's proving ground or a motor vehicle racing event as defined by  
26 section 41-2121 is exempt from this subsection.

27 E. From and after September 30 through March 31 of each year a person  
28 shall not supply or sell gasoline that exceeds the ASTM D4814 class A vapor  
29 pressure/distillation class ten volume per cent evaporated distillation  
30 temperature.

31 F. Maximum vapor pressure for gasoline that is supplied or sold by any  
32 person and that is intended as a final product for the fueling of motor  
33 vehicles in a county with a population of one million two hundred thousand  
34 persons or more and any portion of a county contained in area A as defined in  
35 section 49-541 shall be 7.0 pounds per square inch from and after May 31  
36 through September 30 of each year. Fuel used in motor vehicles at a  
37 manufacturer's proving ground or a motor vehicle racing event as defined by  
38 section 41-2121 is exempt from this subsection.

39 G. Exclusively for the purposes of transportation conformity and only  
40 if the administrator of the United States environmental protection agency  
41 fails to approve the applicable plan required pursuant to section 49-406,  
42 maximum vapor pressure for gasoline that is supplied or sold by any person  
43 and that is intended as a final product for the fueling of motor vehicles in  
44 area B as defined in section 49-541 shall be ten pounds per square inch from  
45 and after September 30 through March 31 of each year. Fuel used in motor

1 vehicles at a manufacturer's proving ground or a motor vehicle racing event  
2 as defined by section 41-2121 is exempt from this subsection.

3 H. Notwithstanding subsections D, F and G of this section, the  
4 director of the department of weights and measures in consultation with the  
5 director of the department of environmental quality shall approve alternate  
6 fuel control measures that are submitted by manufacturers or suppliers of  
7 gasoline and that the directors determine will result in either of the  
8 following:

9 1. Motor vehicle carbon monoxide emissions that are equal to or less  
10 than emissions that result under compliance with subsection D of this section  
11 and section 41-2123. In making this determination, the director of the  
12 department of weights and measures and the director of the department of  
13 environmental quality shall compare the emissions of the alternate fuel  
14 control measure with the emissions of a fuel with a maximum vapor pressure  
15 standard as prescribed by this section and with the minimum oxygen content or  
16 percentage by volume of ethanol as prescribed by section 41-2123.

17 2. Motor vehicle non-methane hydrocarbon emissions that are equal to  
18 or less than the emissions that result under compliance with subsection F of  
19 this section. In making this determination, the director of the department  
20 of weights and measures and the director of the department of environmental  
21 quality shall compare the motor vehicle non-methane hydrocarbon emissions of  
22 the alternate fuel control measure with the motor vehicle non-methane  
23 hydrocarbon emissions of a fuel that complies with the maximum vapor pressure  
24 standard as prescribed by subsection F of this section.

25 I. Any alternate fuel control measures that are approved shall not  
26 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide  
27 or oxides of nitrogen. Alternate fuel control measures approved pursuant to  
28 subsection H of this section and this subsection may be used by any  
29 manufacturer or supplier of gasoline unless the approval is rescinded more  
30 than one hundred eighty days before the first day of a gasoline control  
31 period. Manufacturers and suppliers who use an approved alternate fuel  
32 control measure shall annually submit a compliance plan to the director of  
33 the department of weights and measures no later than sixty days before the  
34 first day of a gasoline control period.

35 J. A person shall not sell or offer or expose for sale diesel fuel  
36 grade 1, 2 or 4 as defined in ASTM D975 that contains sulfur in excess of:

37 ~~1. For low sulfur diesel fuel,~~ five hundred parts per million ~~by~~  
38 ~~weight~~ for use in area A as defined in section 49-541.

39 ~~2. For ultra low sulfur diesel fuel, the amount that conforms with 40~~  
40 ~~Code of Federal Regulations section 80.520(a)(1).~~

41 K. A person shall not sell or offer or expose for sale biodiesel that  
42 is not tested or does not meet the specifications established by ASTM D6751  
43 or any blend of biodiesel and diesel fuel that is not tested or does not meet  
44 the specifications established by ASTM D975 and that contains sulfur in

1 excess of five hundred parts per million for use in area A as defined in  
2 section 49-541.

3 L. A person that blends biodiesel that is intended as a final product  
4 for the fueling of motor vehicles shall report to the director by the  
5 fifteenth day of each month the quantity and quality of biodiesel shipped to  
6 or produced in this state during the preceding month. A person who supplies  
7 biodiesel subject to this subsection shall report the following by batch:

- 8 1. The percentage of biodiesel in a final blend.
- 9 2. The volume of the finished product.
- 10 3. For neat biodiesel, the results of analysis for those parameters  
11 established by ASTM D6751.
- 12 4. For biodiesel blended with any diesel fuel, the results of the  
13 analysis of the following motor fuel parameters as established by ASTM D975:
  - 14 (a) Sulfur content.
  - 15 (b) Aromatic hydrocarbon content.
  - 16 (c) Cetane number.
  - 17 (d) Specific gravity.
  - 18 (e) American petroleum institute gravity.
  - 19 (f) The temperatures at which ten per cent, fifty per cent and ninety  
20 per cent of the diesel fuel boiled off during distillation.

21 M. The report required by subsection L of this section shall be on a  
22 form prescribed by the director and shall contain a certification of  
23 truthfulness and accuracy of the data submitted and a statement of the  
24 supplier's consent permitting the department or its authorized agent to  
25 collect samples and access records as provided in rules adopted by the  
26 department. A corporate officer who is responsible for operations at the  
27 facility that produces or ships the final product shall sign the report.

28 N. A person shall label dispensers at which biodiesel is dispensed in  
29 such a manner as to notify other persons of the volume percentage of  
30 biodiesel in the finished product ~~and that conforms with 40 Code of Federal~~  
31 ~~Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the~~  
32 ~~customer of the sulfur content of the diesel fuel being dispensed.~~

33 ~~O. A person shall label each dispenser at which ultra low sulfur~~  
34 ~~diesel fuel is dispensed in a manner that conforms with 40 Code of Federal~~  
35 ~~Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the~~  
36 ~~customer of the sulfur content of the diesel fuel being dispensed.~~

37 ~~P. A person shall label each dispenser at which low sulfur diesel fuel~~  
38 ~~is dispensed in a manner that conforms with 40 Code of Federal Regulations~~  
39 ~~sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of~~  
40 ~~the sulfur content of the diesel fuel being dispensed.~~

41 ~~Q. If any person transfers custody or title of a diesel fuel or~~  
42 ~~distillate, except if the diesel fuel is dispensed into a motor vehicle or~~  
43 ~~nonroad, locomotive or marine equipment, the transferor shall provide to the~~  
44 ~~transferee product transfer documents that conform with 40 Code of Federal~~  
45 ~~Regulations section 80.590.~~

~~R. If the transfer of a motor fuel is from a terminal, storage facility, or transmix facility, the product transfer documents shall contain the information prescribed in subsection Q of this section as well as the name and address of the final destination for the shipment, as prescribed by department rule, and must accompany the shipment to its final destination.~~

Sec. 2. Section 41-2123, Arizona Revised Statutes, as amended by Laws 1999, chapter 295, section 11, is amended to read:

41-2123. Area A; sale of gasoline; oxygen content

A. From and after November 1 through ~~March~~ JANUARY 31 of each year, ~~±~~  
~~1.~~ all gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles within a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A or that is consumed in a motor vehicle in a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A by a fleet owner:

1. Shall CONTAIN, for a gasoline-ethanol blend, ~~contain~~ not less than ten per cent by volume of ethanol nor more than the maximum percentage of oxygen allowed by provisions of a waiver issued or other limits established by the United States environmental protection agency.

~~2. All gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles within a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A or that is consumed in a motor vehicle within a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A by a fleet owner~~

2. Shall CONTAIN, for a blend other than a gasoline-ethanol blend, ~~contain~~ not less than 2.7 per cent by weight of oxygen nor more than the maximum percentage of oxygen allowed by provisions of a waiver issued or other limits established by the United States environmental protection agency.

3. MAY CONTAIN, FOR A GASOLINE-ETHANOL BLEND, LESS THAN TEN PER CENT BY VOLUME OF ETHANOL ON APPROVAL BY THE DIRECTOR OF A PETITION FILED PURSUANT TO SECTION 41-2124, SUBSECTION D. THE APPROVAL APPLIES TO ALL REGISTERED SUPPLIERS AND OXYGENATE BLENDEES, AND FOR THE DURATION OF THAT APPROVAL, THE SUPPLY OR SALE OF GASOLINE-ETHANOL BLENDS THAT CONTAIN LESS THAN TEN PER CENT BY VOLUME OF ETHANOL IS NOT SUBJECT TO SUBSECTIONS B AND C OF THIS SECTION.

B. Notwithstanding subsection A of this section, the director of the department of weights and measures in consultation with the director of the department of environmental quality shall approve alternate fuel control measures that are submitted by manufacturers or suppliers of gasoline and that the directors determine will result in motor vehicle carbon monoxide emissions that are equal to or less than emissions that result under compliance with subsection A of this section and section 41-2083. In making

1 this determination, the director of the department of weights and measures  
2 and the director of the department of environmental quality shall compare the  
3 emissions of the alternate fuel control measure with the emissions of a fuel  
4 with a maximum vapor pressure standard as prescribed by section 41-2083 and  
5 with the minimum oxygen content or percentage by volume of ethanol as  
6 prescribed by this section.

7 C. Any alternate fuel control measures that are approved shall not  
8 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide  
9 or oxides of nitrogen. Alternate fuel control measures approved pursuant to  
10 subsection B of this section and this subsection may be used by any  
11 manufacturer or supplier of gasoline unless the approval is rescinded more  
12 than one hundred eighty days before the first day of a gasoline control  
13 period. Manufacturers and suppliers who use an approved alternate fuel  
14 control measure shall annually submit a compliance plan to the director of  
15 the department of weights and measures no later than sixty days before the  
16 first day of a gasoline control period.

17 Sec. 3. Conditional enactment; notice

18 A. Section 41-2083, Arizona Revised Statutes, as amended by Laws 2007,  
19 chapter 292, section 8 and this act, and section 41-2123, Arizona Revised  
20 Statutes, as amended by Laws 1999, chapter 295, section 11 and this act, are  
21 not effective unless, on or before November 1, 2009, the administrator of the  
22 United States environmental protection agency approves a revision to the  
23 state implementation plan as defined in section 49-401.01, Arizona Revised  
24 Statutes, that incorporates the changes contained in Laws 2005, chapter 104,  
25 sections 1 and 2 or this act.

26 B. The director of the department of environmental quality shall  
27 notify in writing the director of the Arizona legislative council of the date  
28 on which the condition is met or if the condition is not met.